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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. | |
|--|-----------------|----------------------|-------------------------|------------------|--|
| 09/938,260 | 08/23/2001 | Steven W. Russell | TI-25084 | 1259 | |
| 23494 | 7590 07/16/2002 | | | | |
| TEXAS INS | TRUMENTS INCORP | PORATED | EXAMINER | | |
| P O BOX 655474, M/S 3999 DALLAS, TX 75265 | | | FENTY, JESSE A | | |
| | | | ART UNIT | PAPER NUMBER | |
| | | | 2815 | | |
| | | | DATE MAILED: 07/16/2002 | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | | - Im | | | | |
|---|--|----------------------|--|-------------|--|--|--|--|
| | Application No |). — | Applicant(s) | | | | | |
| | 09/938,260 | 1. | RUSSELL ET AL. | | | | | |
| Offic Action Summary | Examiner | VVY | Art Unit | | | | | |
| | Jesse A. Fenty | | 2815 | -luo | | | | |
| The MAILING DATE of this communication app Period for Reply | ears on the cov | er sneet with the C | orrespondence ad | uress | | | | |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE O MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). | | | | | | | | |
| Status | | | | | | | | |
| 1) Responsive to communication(s) filed on 23 A | s action is non- | final | | | | | | |
| , | | | osecution as to th | e merits is | | | | |
| 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. | | | | | | | | |
| Disposition of Claims 4) ☐ Claim(s) 1-27 is/are pending in the application | | | | | | | | |
| •— | | ration. | | | | | | |
| 4a) Of the above claim(s) is/are withdrawn from consideration. | | | | | | | | |
| 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. | | | | | | | | |
| 7) Claim(s) is/are objected to. | | | | | | | | |
| 8) Claim(s) <u>1-27</u> are subject to restriction and/or e | election requirer | nent. | | | | | | |
| Application Papers | · | | | | | | | |
| 9) The specification is objected to by the Examiner. | | | | | | | | |
| 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. | | | | | | | | |
| Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). | | | | | | | | |
| 11) ☐ The proposed drawing correction filed on is: a) ☐ approved b) ☐ disapproved by the Examiner. | | | | | | | | |
| If approved, corrected drawings are required in reply to this Office action. | | | | | | | | |
| 12) The oath or declaration is objected to by the Examiner. | | | | | | | | |
| Priority under 35 U.S.C. §§ 119 and 120 | | | | | | | | |
| 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). | | | | | | | | |
| a) ☐ All b) ☐ Some * c) ☐ None of: | | | | | | | | |
| 1. Certified copies of the priority documents have been received. | | | | | | | | |
| 2. Certified copies of the priority documents have been received in Application No | | | | | | | | |
| Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. | | | | | | | | |
| 14) Acknowledgment is made of a claim for domestic | 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). | | | | | | | |
| a) ☐ The translation of the foreign language provisional application has been received. 15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. | | | | | | | | |
| Attachment(s) | | | | | | | | |
| 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) | 4) [_ 5) [_ 6) [_ | Notice of Informal F | (PTO-413) Paper No(Patent Application (PTO | | | | | |
| C. D. L. A. and Tondarvada Office | | | | | | | | |



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DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-17, drawn to a semiconductor device, classified in class 257, subclass639.
 - II. Claims 18-27, drawn to a method of making semiconductor devices, classified in class 438, subclass 1+.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, unpatentability of the Group I invention does not necessarily imply unpatentability of the Group II invention, as the Group II invention could be made from a materially different process, for example, by forming the liner prior to forming the dielectric layer.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jesse A. Fenty whose telephone number is 703-308-8137. The examiner can normally be reached on 5/4-9 1st Fri. Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Lee can be reached on 703-308-1690. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-746-3892 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

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JAF July 15, 2002